

Appl. No. 09/963,819
Atty. Docket No. CM2435
Amdt. dated December 16, 2003
Reply to Office Action of July 2, 2003

REMARKS

Claims 1-5 and 7-16 are now in the case.

Applicants have amended independent claim 1 to include the features of a device, for cleaning a bathtub containing a liquid, comprising a motor coupled to a pump, wherein said motor is powered by an energy storage means and a reservoir for a rinse-liquid.

Applicants have amended claim 3 to include the features a device, suitable for cleaning a bathtub containing a liquid comprising a motor coupled to a pump, wherein said motor is powered by said energy storage means.

Applicants have amended claim 15 to include the features of a process of removing soil from the inner surfaces of a bathtub containing a liquid, the process comprising providing a static cleaning device comprising an energy storage means, a motor coupled to a pump, wherein said motor is powered by the energy storage means, a reservoir containing a cleaning liquid and a reservoir for a rinse-liquid placing the static cleaning device into the bathtub containing a liquid and actuating the static cleaning device such that the cleaning liquid is sprayed on the inner surface of the bathtub, wherein the device is a static device and uses a liquid present in said bathtub as rinse-liquid and wherein the soil has been deposited on the inner surface less than 180 minutes prior to the start of the process.

Applicants have amended 4 and 9-12 to correct typographical and grammatical errors.

Applicants have cancelled claims 6 and 17 without prejudice.

Each of these amendments is supported by the specification, claims and drawings as filed.

Rejections under 35 U.S.C. 103

Claims 1-7 and 11-17 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Beaulieu, Valentine or Haberer in view of Bochmann.

Applicants submit that claims 1, 3 and 15 have been amended to include the features of a cleaning device or a process of removing soils from the inner surface of a bathtub containing a liquid.

It is applicants' position that none of the references cited in the office action either teach or even remotely suggest a cleaning device or a process of removing soils from the inner surface of a bathtub containing a liquid.

Applicants remind the Examiner that it is basic patent law that "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation ... to modify the reference or to combine the reference teachings. Second, there must be a

Appl. No. 09/963,819
Atty. Docket No. CM2435
Amdt. dated December 16, 2003
Reply to Office Action of July 2, 2003

reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure." (Emphasis supplied) *In re Vaeck*, 947 F.2d 488, USPQ 2d 1438 (Fed Cir. 1991).

It is therefore applicant's position that the office action has failed to establish a *prima facie* case of obviousness and that the rejection was not proper.

Reconsideration and withdrawal of the rejections are therefore respectfully requested.

Claims 8-10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Beaulieu, Valentine or Haberer in view of Bochmann and further in view of Lee and Chaney.

Applicants have already demonstrated that Beaulieu, Valentine, Haberer and Bochmann do not teach or suggest a cleaning device or a process of removing soils from the inner surface of a bathtub containing a liquid and therefore do not qualify as prior art under 35 U.S.C. 103(a).

Reconsideration and withdrawal of the rejections are therefore respectfully requested.

It is submitted that all the claims are in condition for allowance. Early and favorable action on all claims is therefore requested.

If the next action is other than to allow the claims, the favor of a telephonic interview is requested with the undersigned representative.

Respectfully submitted,
Bredo et al.

By


Thibault Fayette
Attorney for Applicants
(513) 627-4593

December 16, 2003
Customer No. 27752